

File No. 588

(Reprint of File No. 436)

Substitute House Bill No. 5317
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
April 23, 1998

AN ACT CONCERNING THE DISCLOSURE OF JUVENILE
RECORDS.

Be it enacted by the Senate and House of
Representatives in General Assembly convened:

1 Section 1. Section 46b-124 of the general
2 statutes is repealed and the following is
3 substituted in lieu thereof:

4 (a) All records of cases of juvenile matters,
5 as defined in section 46b-121, except DELINQUENCY
6 proceedings, [concerning delinquent children,] or
7 any part thereof, and all records of appeals from
8 probate brought to the superior court for juvenile
9 matters pursuant to subsection (b) of section
10 45a-186, AS AMENDED, including studies and reports
11 by probation officers, social agencies and
12 clinics, shall be confidential and for the use of
13 the court in juvenile matters, and open to
14 inspection or disclosure to any third party,
15 including bona fide researchers commissioned by a
16 state agency, only upon order of the Superior
17 Court, except that (1) the records concerning any
18 matter transferred from a court of probate
19 pursuant to section 45a-623 or subsection (g) of
20 section 45a-715 or any appeal from probate to the
21 superior court for juvenile matters pursuant to

22 subsection (b) of section 45a-186, AS AMENDED,
23 shall be available to the court of probate from
24 which such matter was transferred or from which
25 such appeal was taken, (2) such records shall be
26 available to (A) the attorney representing the
27 child or youth [, his parents or guardian and to]
28 INCLUDING THE DIVISION OF PUBLIC DEFENDER SERVICES
29 IN ANY PROCEEDING IN WHICH SUCH RECORDS ARE
30 RELEVANT, (B) THE PARENTS OR GUARDIAN OF THE CHILD
31 OR YOUTH UNTIL SUCH TIME AS THE CHILD OR YOUTH
32 REACHES THE AGE OF MAJORITY OR BECOMES
33 EMANCIPATED, (C) an adult adopted person in
34 accordance with the provisions of sections
35 45a-736, 45a-737 and 45a-743 to 45a-757,
36 inclusive, [and to another court under the
37 provisions of section 46b-111, and (3)
38 psychological evaluations shall be available to
39 the Commissioner of Children and Families for
40 purposes of diagnosing, caring for or treating a
41 child in the care or custody of the commissioner]
42 (D) EMPLOYEES OF THE DIVISION OF CRIMINAL JUSTICE
43 WHO IN THE PERFORMANCE OF THEIR DUTIES REQUIRE
44 ACCESS TO SUCH RECORDS, (E) EMPLOYEES OF THE
45 JUDICIAL BRANCH WHO IN THE PERFORMANCE OF THEIR
46 DUTIES REQUIRE ACCESS TO SUCH RECORDS, (F) ANOTHER
47 COURT UNDER THE PROVISIONS OF SECTION 46b-111, (G)
48 THE SUBJECT OF THE RECORD, UPON SUBMISSION OF
49 SATISFACTORY PROOF OF THE SUBJECT'S IDENTITY,
50 PURSUANT TO GUIDELINES PRESCRIBED BY THE OFFICE OF
51 THE CHIEF COURT ADMINISTRATOR AND PROVIDED THE
52 SUBJECT HAS REACHED THE AGE OF MAJORITY OR HAS
53 BEEN EMANCIPATED, AND (H) THE DEPARTMENT OF
54 CHILDREN AND FAMILIES. Any record or any part
55 thereof forwarded by said court or any of its
56 employees to any persons, governmental and private
57 agencies, and institutions, shall not be
58 disclosed, directly or indirectly, to any third
59 party not specified in subsection (c) of this
60 section save upon order of said court or except in
61 the report required under section 54-76d or
62 54-91a.

63 (b) All records of cases of juvenile matters
64 involving DELINQUENCY proceedings, [concerning
65 delinquent children,] or any part thereof,
66 including court records, records of law
67 enforcement agencies including fingerprints,
68 photographs and physical descriptions, and
69 medical, psychological, psychiatric and social

70 welfare studies and reports by probation officers,
71 public or private institutions, social agencies
72 and clinics, shall be confidential and for the use
73 of the court in juvenile matters and shall not be
74 disclosed except as provided in this section.

75 (c) Records of cases of juvenile matters
76 involving [proceedings concerning delinquent
77 children may be disclosed to and between
78 individuals and agencies, and employees of such
79 agencies, involved in the delinquency proceedings
80 or providing services directly to the child
81 including] DELINQUENCY PROCEEDINGS SHALL BE
82 AVAILABLE TO (1) JUDICIAL BRANCH EMPLOYEES WHO, IN
83 THE PERFORMANCE OF THEIR DUTIES, REQUIRE ACCESS TO
84 SUCH RECORDS, AND (2) EMPLOYEES AND AUTHORIZED
85 AGENTS OF STATE OR FEDERAL AGENCIES INVOLVED IN
86 (A) THE DELINQUENCY PROCEEDINGS, (B) THE PROVISION
87 OF SERVICES DIRECTLY TO THE CHILD, OR (C) THE
88 DESIGN AND DELIVERY OF TREATMENT PROGRAMS PURSUANT
89 TO SECTION 46b-121j. SUCH EMPLOYEES AND AUTHORIZED
90 AGENTS INCLUDE, BUT ARE NOT LIMITED TO, law
91 enforcement officials, state and federal
92 prosecutorial officials, school officials in
93 accordance with section 10-233h, AS AMENDED, court
94 officials including officials of both the regular
95 criminal docket and the docket for juvenile
96 matters, OFFICIALS OF the Division of Criminal
97 Justice, THE DIVISION OF PUBLIC DEFENDER SERVICES,
98 the Department of Children and Families, THE
99 OFFICE OF ADULT PROBATION, THE OFFICE OF THE BAIL
100 COMMISSIONER, THE BOARD OF PAROLE AND AGENCIES
101 UNDER CONTRACT WITH THE OFFICE OF ALTERNATIVE
102 SANCTIONS, AND an advocate appointed pursuant to
103 section 54-221 for a victim of a crime committed
104 by the child. [, the Office of Adult Probation,
105 the Office of the Bail Commission, the Board of
106 Parole and agencies under contract with the Office
107 of Alternative Sanctions.] Such records shall ALSO
108 be available to (i) the attorney representing the
109 child, [his parents or guardian. Such records
110 shall be available to] INCLUDING THE DIVISION OF
111 PUBLIC DEFENDER SERVICES, IN ANY PROCEEDING IN
112 WHICH SUCH RECORDS ARE RELEVANT, (ii) THE PARENTS
113 OR GUARDIAN OF THE CHILD, UNTIL SUCH TIME AS THE
114 SUBJECT OF THE RECORD REACHES THE AGE OF MAJORITY,
115 (iii) THE SUBJECT OF THE RECORD, UPON SUBMISSION
116 OF SATISFACTORY PROOF OF THE SUBJECT'S IDENTITY,
117 PURSUANT TO GUIDELINES PRESCRIBED BY THE OFFICE OF

118 THE CHIEF COURT ADMINISTRATOR AND PROVIDED THE
119 SUBJECT HAS REACHED THE AGE OF MAJORITY, (iv) law
120 enforcement officials and prosecutorial officials
121 conducting legitimate criminal investigations, [.
122 Such records shall be available to a state agency
123 pursuant to an agreement with the Judicial
124 Department to provide] AND (v) A STATE OR FEDERAL
125 AGENCY PROVIDING services related to the
126 collection of moneys due OR FUNDING TO SUPPORT THE
127 SERVICE NEEDS OF ELIGIBLE JUVENILES, provided such
128 disclosure shall be limited to that information
129 necessary for the collection of AND APPLICATION
130 FOR such moneys. Such records disclosed pursuant
131 to this subsection shall not be further disclosed,
132 EXCEPT THAT INFORMATION CONTAINED IN SUCH RECORDS
133 MAY BE DISCLOSED IN CONNECTION WITH BAIL OR
134 SENTENCING REPORTS IN OPEN COURT DURING CRIMINAL
135 PROCEEDINGS INVOLVING THE SUBJECT OF SUCH
136 INFORMATION.

137 (d) The record of the case of a juvenile
138 matter involving DELINQUENCY proceedings,
139 [concerning a delinquent child,] or any part
140 thereof, may be disclosed upon order of the court
141 to any person who has a legitimate interest in the
142 information and is identified in such order.
143 Records disclosed pursuant to this subsection
144 shall not be further disclosed.

145 (e) The record of the case of a juvenile
146 matter involving DELINQUENCY proceedings,
147 [concerning a delinquent child,] or any part
148 thereof, shall be available to the victim of the
149 crime committed by such child to the same extent
150 as the record of the case of a defendant in a
151 criminal proceeding in the regular criminal docket
152 of the Superior Court is available to a victim of
153 the crime committed by such defendant. The court
154 shall designate an official from whom such victim
155 may request such information. Records disclosed
156 pursuant to this subsection shall not be further
157 disclosed.

158 (f) Information concerning a child who has
159 escaped from a detention center or from a facility
160 to which he has been committed by the court or for
161 whom an arrest warrant has been issued with
162 respect to the commission of a felony may be
163 disclosed by law enforcement officials.

164 (g) Nothing in this section shall be
165 construed to prohibit any person employed by the

166 Judicial Department [as a juvenile prosecutor,
167 inspector or investigator] from disclosing any
168 such records, information or files in his
169 possession to any person employed by the Division
170 of Criminal Justice as a prosecutorial official,
171 inspector or investigator who, in the performance
172 of his duties, requests such records, information
173 or files, nor shall such employee of said division
174 be prohibited from disclosing any records,
175 information or files in his possession to any such
176 employee of the Judicial Department who, in the
177 performance of his duties, requests such records,
178 information or files.

179 (h) A state's attorney shall disclose to the
180 defendant or his counsel in a criminal
181 prosecution, without the necessity of a court
182 order, exculpatory information and material
183 contained in any record disclosed to such state's
184 attorney pursuant to this section and may
185 disclose, without a court order, information and
186 material contained in any such record which could
187 be the subject of a disclosure order.

188 Sec. 2. Subsection (f) of section 17a-28 of
189 the general statutes, as amended by section 8 of
190 public act 97-319, is repealed and the following
191 is substituted in lieu thereof:

192 (f) When the commissioner or his designee
193 determines it to be in a person's best interest,
194 the commissioner or his designee may disclose
195 records, whether or not created by the department
196 and not otherwise privileged or confidential
197 communications under state or federal law, without
198 the consent of a person to:

199 (1) Multidisciplinary teams which are formed
200 to assist the department in investigation,
201 evaluation or treatment of child abuse and neglect
202 cases or a multidisciplinary provider of
203 professional treatment services under contract
204 with the department for a child referred to the
205 provider;

206 (2) Any agency in another state which is
207 responsible for investigating or protecting
208 against child abuse or neglect for the purpose of
209 investigating a child abuse case;

210 (3) An individual, including a physician,
211 authorized pursuant to section 17a-101f to place a
212 child in protective custody if such individual has
213 before him a child whom he reasonably suspects may

214 be a victim of abuse or neglect and such
215 individual requires the information in a record in
216 order to determine whether to place the child in
217 protective custody;

218 (4) An individual or public or private agency
219 responsible for a person's care and custody and
220 authorized by the department to diagnose, care
221 for, treat or supervise a child who is the subject
222 of a record of child abuse or neglect for a
223 purpose related to the individual's or agency's
224 responsibilities;

225 (5) The Attorney General or any assistant
226 attorney general providing legal counsel for the
227 department;

228 (6) Individuals or public or private agencies
229 engaged in medical, psychological or psychiatric
230 diagnosis or treatment of a person perpetrating
231 the abuse or who is unwilling or unable to protect
232 the child from abuse or neglect when the
233 commissioner or his designee determines that the
234 disclosure is needed to accomplish the objectives
235 of diagnosis or treatment;

236 (7) A person who reports child abuse pursuant
237 to sections 17a-101a to 17a-101c, inclusive, AS
238 AMENDED, and section 17a-103, AS AMENDED, who made
239 a report of abuse involving the subject child,
240 provided the information disclosed is limited to
241 (A) the status of the investigation and (B) in
242 general terms, any action taken by the department;

243 (8) An individual conducting bona fide
244 research, provided no information identifying the
245 subjects of records shall be disclosed unless (A)
246 such information is essential to the purpose of
247 the research; (B) each person identified in a
248 record or his authorized representative has
249 authorized such disclosure in writing; and (C) the
250 department has given written approval;

251 (9) The Auditors of Public Accounts or their
252 representative, provided no information
253 identifying the subjects of the records shall be
254 disclosed unless such information is essential to
255 an audit conducted pursuant to section 2-90;

256 (10) A JUDGE OF THE SUPERIOR COURT FOR
257 PURPOSES OF DETERMINING THE APPROPRIATE
258 DISPOSITION OF A CHILD CONVICTED AS DELINQUENT OR
259 A CHILD WHO IS A MEMBER OF A FAMILY WITH SERVICE
260 NEEDS; AND

261 (11) THE SUPERINTENDENTS, OR THEIR DESIGNEES,
262 OF STATE-OPERATED FACILITIES WITHIN THE
263 DEPARTMENT.

264 Sec. 3. Section 46b-140 of the general
265 statutes is repealed and the following is
266 substituted in lieu thereof:

267 (a) In determining the appropriate
268 disposition of a child convicted as delinquent,
269 the court shall consider: (1) The seriousness of
270 the offense, including the existence of any
271 aggravating factors such as the use of a firearm
272 in the commission of the offense and the impact of
273 the offense on any victim; (2) the child's record
274 of delinquency; (3) the child's willingness to
275 participate in available programs; (4) the
276 existence of other mitigating factors; and (5) the
277 culpability of the child in committing the offense
278 including the level of the child's participation
279 in the planning and carrying out of the offense.

280 (b) Upon conviction of a child as delinquent,
281 the court may: (1) Place the child in the care of
282 any institution or agency which is permitted by
283 law to care for children; (2) order the child to
284 participate in an alternative incarceration
285 program; (3) order the child to participate in a
286 wilderness school program operated by the
287 Department of Children and Families; (4) order the
288 child to participate in a youth service bureau
289 program; (5) order the child to remain in his own
290 home or in the custody of a relative or any other
291 fit person subject to the supervision of the
292 probation officer; (6) order the child or the
293 parents or guardian of the child or both to make
294 restitution to the victim of the offense in
295 accordance with subsection (d) of this section;
296 (7) order the child to participate in a program of
297 community service in accordance with subsection
298 (e) of this section; or (8) withhold or suspend
299 execution of any judgment.

300 (c) The court may order, as a condition of
301 probation, that the child (1) attend school and
302 class on a regular basis and comply with school
303 policies on student conduct and discipline, or (2)
304 participate in a program of periodic alcohol and
305 drug testing and treatment, or both.

306 (d) If the child has engaged in conduct which
307 results in property damage or personal injury, the
308 court may order the child or the parent or parents

309 or guardian of the child, if such parent or
310 parents or guardian had knowledge of and condoned
311 the conduct of the child, or both the child and
312 the parent or parents or guardian, to make full or
313 partial restitution to the victim of such offense,
314 provided the liability of such parent or parents
315 or guardian shall be limited to an amount not
316 exceeding the amount such parent or parents or
317 guardian would be liable for in an action under
318 section 52-572. Restitution may consist of
319 monetary reimbursement for the damage or injury,
320 based on the child's or the parent's, parents' or
321 guardian's ability to pay, as the case may be, in
322 the form of a lump sum or instalment payments,
323 paid to the court clerk or such other official
324 designated by the court for distribution to the
325 victim.

326 (e) The court may order the child to
327 participate in a program of community service
328 under the supervision of the court or any
329 organization designated by the court. Such child
330 shall not be deemed to be an employee and the
331 services of such child shall not be deemed
332 employment.

333 (f) If the court further finds that its
334 probation services or other services available to
335 the court are not adequate for such child, the
336 court shall commit such child to the Department of
337 Children and Families in accordance with the
338 provisions of section 46b-141. Prior to making
339 such commitment, the court shall consult with the
340 department to determine the placement which will
341 be in the best interest of such child.

342 (g) Any child or youth coming within the
343 jurisdiction of the court, who is found to be
344 mentally ill, may be committed by said court to
345 the Commissioner of Children and Families and, if
346 the court convicts a child as delinquent and finds
347 him to be mentally deficient, it may commit him to
348 an institution for mentally deficient children or
349 youth or delinquents. Whenever a child convicted
350 by the court as delinquent or adjudged by the
351 court to be a member of a family with service
352 needs is fourteen years of age or older and is
353 further found to be either mentally deficient or
354 too educationally retarded to benefit from
355 continued school attendance, the court may order
356 him to be placed on vocational probation if such

357 court finds that he may properly be employed for
358 part or full-time at some useful occupation and
359 that such employment would be more favorable to
360 his welfare than commitment to an institution and
361 the probation officer shall supervise such
362 employment. For the purposes of this section the
363 limitations of subsection (a) of section 31-23 on
364 the employment of minors under the age of sixteen
365 years shall not apply for the duration of such
366 vocational probation.

367 (h) Whenever the court commits a child to the
368 Department of Children and Families, there shall
369 be delivered with the mittimus a copy of the
370 results of the investigations made as required by
371 section 46b-134. The court may, at any time,
372 require from the department in whose care a child
373 has been placed such report as to such child and
374 his treatment.

375 (i) (1) If the delinquent act for which the
376 child is committed to the Department of Children
377 and Families is a serious juvenile offense, the
378 court may set a period of time during which the
379 Department of Children and Families shall place
380 such child out of his town of residence at the
381 commencement of such child's commitment.

382 (2) The setting of any such time periods
383 shall be in the form of an order of the court
384 included in the mittimus. For good cause shown in
385 the form of an affidavit annexed thereto, the
386 Department of Children and Families, the parent or
387 guardian of the child or the child may petition
388 the court for temporary modification of any such
389 order not to extend or reduce the term of such
390 placement.

391 (j) NOTWITHSTANDING ANY PROVISIONS OF THE
392 GENERAL STATUTES CONCERNING THE CONFIDENTIALITY OF
393 RECORDS AND INFORMATION, WHENEVER A CHILD
394 CONVICTED AS DELINQUENT IS COMMITTED TO THE
395 DEPARTMENT OF CHILDREN AND FAMILIES, THE
396 COMMISSIONER OF CHILDREN AND FAMILIES SHALL HAVE
397 ACCESS TO THE FOLLOWING INFORMATION: (1)
398 EDUCATIONAL RECORDS OF SUCH CHILD; (2) RECORDS
399 REGARDING SUCH CHILD'S PAST TREATMENT FOR PHYSICAL
400 OR MENTAL ILLNESS, INCLUDING SUBSTANCE ABUSE; (3)
401 RECORDS REGARDING SUCH CHILD'S PRIOR PLACEMENT IN
402 A PUBLIC OR PRIVATE RESIDENTIAL FACILITY; (4)
403 RECORDS CREATED OR OBTAINED BY THE JUDICIAL
404 DEPARTMENT REGARDING SUCH CHILD; AND (5) RECORDS,

405 AS DEFINED IN SUBSECTION (a) OF SECTION 17a-28.
406 THE COMMISSIONER OF CHILDREN AND FAMILIES SHALL
407 REVIEW SUCH INFORMATION TO DETERMINE THE
408 APPROPRIATE SERVICES AND PLACEMENT WHICH WILL BE
409 IN THE BEST INTEREST OF THE CHILD.

410 Sec. 4. (NEW) The Commissioner of Children
411 and Families, at his discretion, may authorize
412 leave for a child convicted as delinquent
413 committed to the Department of Children and
414 Families and assigned to a state facility or
415 private residential program, provided there is a
416 reasonable belief, based on the totality of the
417 information in the possession of the commissioner,
418 that such child will honor the commissioner's
419 trust and is eligible for leave under standards
420 adopted pursuant to public act 97-130. If any such
421 child who is granted leave under this section
422 fails to return to such facility or program, the
423 superintendent or director shall disclose any
424 records created or obtained by the facility or
425 program regarding such child to the appropriate
426 law enforcement agency.

* * * * *

"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF MEMBERS OF THE GENERAL ASSEMBLY, SOLELY FOR PURPOSES OF INFORMATION, SUMMARIZATION AND EXPLANATION AND DO NOT REPRESENT THE INTENT OF THE GENERAL ASSEMBLY OR EITHER HOUSE THEREOF FOR ANY PURPOSE."

* * * * *

FISCAL IMPACT STATEMENT - BILL NUMBER SHB 5317

STATE IMPACT Potential Revenue Gain, Minimal
Cost, Can Be Absorbed, see
explanation below

MUNICIPAL IMPACT None

STATE AGENCY(S) Judicial Department, Department of
Children and Families, Department
of Criminal Justice, Public
Defenders

EXPLANATION OF ESTIMATES:

The bill could result in a revenue gain to the state. This revenue relates to the potential for the Judicial Department to seek federal reimbursement for services provided to eligible juveniles from federal programs such as Social Security and Medicaid. The extent of such potential is not yet known.

It is anticipated that the Department of Children and Families and the Judicial Department will be able to comply with expanded records disclosure requirements contained in this bill within anticipated budgetary resources.

House "A" eliminated the right of parents or guardians to access certain non-delinquency related juvenile matter records and did not alter the fiscal impact.

* * * * *

OLR AMENDED BILL ANALYSIS

sHB 5317 (as amended by House "A")*

AN ACT CONCERNING DISCLOSURE OF JUVENILE RECORDS

SUMMARY: Generally, this bill broadens access to juvenile matter records. But it eliminates the right of parents or guardians to access their child's juvenile records, other than delinquency records, once the child reaches age 18 or becomes emancipated. Instead, the bill allows this child access to his own records. Under the bill, delinquency records are unavailable to a parent or guardian only when a child reaches age 18 at which time the child may access his own records.

The bill allows the Department of Children and Families (DCF) commissioner to disclose, without the subject's consent, certain records that she maintains to Superior Court judges and superintendents (or their designees) of DCF-operated facilities.

The bill authorizes the DCF commissioner to grant a leave for a child who is convicted as delinquent, committed to the department, and assigned to a state facility or private residential program and meets the eligibility conditions for a leave.

*House Amendment "A" eliminates the right of parents or guardians to access the non-delinquency related juvenile records of an emancipated minor. It allows such a minor to have access to his own records.

EFFECTIVE DATE: October 1, 1998

FURTHER EXPLANATION**Civil and Criminal Juvenile Matter Records**

Under current law, juvenile records are confidential and cannot be disclosed to anyone other than a specified list of people. The bill expands the list by requiring records of such matters to be made available to:

1. the Division of Public Defender Services when it is representing the child and the records are relevant to the proceeding,

2. Division of Criminal Justice or Judicial Branch employees who need access to perform their duties,
3. the subject if at least age 18 or emancipated upon proof of identification and pursuant to guidelines prescribed by the Office of the Chief Court Administrator, and
4. DCF for any reason, instead of just psychological evaluations for use in diagnosing, caring for, or treating a child in the DCF commissioner's custody.

The law continues to prohibit recipients of such records from disclosing them to unauthorized third parties, except under court order. The law continues to allow courts in other states, law enforcement officials, and crime victims' advocates access to records.

Delinquency Records

Current law allows delinquency records to be disclosed between people and agencies and agency employees involved in the delinquency proceedings or providing services directly to the child. The bill requires, rather than allows, such delinquency records to be made available to these entities and people. It also requires the records to be disclosed to (1) authorized agents of such agencies (2) the authorized agents or employees of agencies that design and deliver program and probation treatment for juvenile offenders, and (3) Judicial Branch employees who require access to perform their duties. Finally, it specifies that Division of Public Defender Services employees and agents are included in the list of people with access to such records.

Under current law, state agencies that enter an agreement with the Judicial Department to collect moneys due the state must have access to records necessary for the collection. The bill removes the requirement for agencies to enter an agreement with the Judicial Department in order to gain access, gives federal agencies that provide collection services the same limited access, and extends the same type access to agencies that provide funding to support the service

needs of eligible juveniles.

The bill allows delinquency record information to be disclosed in connection with bail or sentencing reports in open court during criminal proceedings involving the subject of the information.

DCF Commissioner's Access to Records of Juvenile Delinquents

Whenever a child is convicted as a delinquent and committed to DCF, the bill requires the DCF commissioner to have access to the child's (1) educational records; (2) records of treatment for physical or mental illness, including substance abuse; (3) records of previous placement in a residential facility; (4) records created or obtained by the Judicial Department; and (5) records of protection or placement in DCF's custody. The bill requires the commissioner to review this information to determine the services and placement appropriate to serve the child's best interests.

DCF Records

By law, records maintained by DCF are confidential and may be disclosed only with the subject's consent. But the DCF commissioner may disclose them without consent to (1) law enforcement officers and prosecutors investigating allegations of child abuse and neglect and (2) certain specified entities and people if the records are not otherwise privileged or confidential and she determines that disclosure is in the subject's best interest. The bill adds to the list of recipients under the second category (1) Superior Court judges who must determine the appropriate disposition of a child convicted as delinquent or a child who is a member of a family with service needs and (2) superintendents or their designees of DCF-operated facilities.

Leave from DCF Facilities

The bill allows the DCF commissioner to grant a leave for a child if she reasonably believes, based on the totality of the information in her possession, that the child will honor her trust and meets the eligibility requirements for a leave. The bill requires the superintendent or director of any facility to disclose

to the appropriate law enforcement agency the records of any child who is granted a leave and fails to return to the facility or program.

By law, a juvenile is not eligible for a leave until:

1. he undergoes an initial 60-day fitness and security evaluation, including a trial leave of up to one day;
2. his fitness and security risk is evaluated; and
3. a parent, guardian, or other adult is clearly identified and assigned to supervise him.

BACKGROUND

Juvenile Matters

Civil juvenile matters include cases concerning uncared-for, neglected, or dependent children and youths; termination of parental rights of children committed to a state agency; families with service needs; and emancipation. Criminal juvenile matters include all proceedings concerning delinquent children in the state.

Delinquent

A court may find a juvenile "delinquent" who has violated a state or federal law, court order, or local ordinance (other than an ordinance regulating the behavior of a child in a family with service needs). A court can commit a juvenile delinquent to DCF's custody and supervision for up to 18 months, with possible extensions.

Families with Service Needs

A family with service needs is one that includes a child who:

1. has run away from home without just cause;
2. is beyond the control of his parents, guardian, or other custodian;

3. has behaved indecently or immorally;
4. is habitually truant or overtly defiant of school rules and regulations; or
5. is age 13 or older and has had sexual intercourse with someone age 13 or older with no more than two years difference in the age of the two parties.

Emancipation of a Minor

Emancipation is a legal determination by a court that a minor be considered independent from his parents. Emancipation frees a minor and his parents from the legal obligations and controls that normally govern their relationship.

Related Bill

SSB 222, favorably reported by the Children's and Education committees, expands the type of child abuse-related information DCF can disclose and the types of people and institutions who can receive it.

Legislative History

The House referred the bill (File 436) on April 14 to the Human Services Committee, which reported it unchanged on April 17.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute
Yea 37 Nay 0

Human Services Committee

Joint Favorable Report
Yea 12 Nay 2